AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

*** **DISTRICT OF** **UTAH**

Ferris Joseph
Plaintiff,

v.

CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah sole,
Defendants.

SUBPOENA IN A CIVIL CASE

CASE NUMBER:[1] 4:06-CV-04143-JES

U.S. District of South Dakota, Southern Division

FILED
SEP 17 2007
CLERK

TO: **Jay E. Larson**
978 N 1040 E.
Lehi, UT 84043
(801) 768-3168

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

☑ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION:	DATE AND TIME
CitiCourt, LLC, The Reporting Group 170 S. Main Street, Suite 300 Salt Lake City, UT 84101 (801) 532-3441	September 27, 2007 10:00 a.m. (Mountain)

☑ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list of documents or objects):
The schedule of documents to be produced is set forth in attached Exhibit "A".

PLACE :	DATE AND TIME
CitiCourt, LLC, The Reporting Group 170 S. Main Street, Suite 300 Salt Lake City, UT 84101	September 27, 2007 10:00 a.m. (Mountain)

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE:
Stuart S. Mermelstein, Attorney for Plaintiff	9-7-07

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER
HERMAN & MERMELSTEIN P.A., 18205 Biscayne Boulevard, Suite 2218, Miami, Florida, 33160 (305) 931-2200

(See Rule 45), Federal Rules of Civil Procedure, Parts C & D on Reverse)

[1] If action is pending in district other than district of issuance, state district under case number.

[2] The records to be addressed at the deposition are described in Exhibit "A" hereto.

Dockets.Justia.com

PROOF OF SERVICE

	DATE	PLACE
SERVED		

SERVED ON (PRINT NAMED) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on ____________________

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officeof a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for thetestimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim

EXHIBIT "A"

1. Any and all documents in the deponent's possession that relate to Robert Lewis White and any and all photographs in the deponent's possession of Robert Lewis White.
2. Any and all photographs of Ferris Joseph or his family.
3. Any and all photographs while on assignment as a missionary in South Dakota, including any photographs taken in Flandreau, South Dakota or Sioux Falls, South Dakota.
4. All documents relating to missionary activities and assignments with the Church of Jesus Christ of Latter Day Saints (The "LDS Church"), including without limitation, all correspondence with the LDS Church.

State of Utah
Utah County
Civil Division
Spanish Fork, UT 84660

Process Number: 07-4480   Court Number: 4:06-CV-04143-JES

I, James O. Tracy, Sheriff of Utah County do hereby certify that I received the within and foregoing Subpoena Duces Tecum on 11th day of September, 2007, and that I served the same on:

JAY E LARSON
978 N 1040 EAST ST
Lehi, UT 84043
(Witness)

Served on: 12th day of September, 2007 at 10:30:00
Served by: Salcido G
Served to: personal
978 N 1040 EAST ST ()
Lehi, UT 84043

Returned on the 13th day of September, 200

I also certify that I endorsed on the said copy the date of service, signed my name, and added my official title thereto.

Dated the 13th day of September, 2007

Fees:

Service:	15.00
Mileage:	29.00
Other :	0.00
Total :	44.00

James O. Tracy, Sheriff
Utah County, Utah

BY: G. Salcido
Salcido G
Authorized Representative
Civil Division

My commission expires:

Notary Public